

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Scott Sales, on February 12, 2015 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Scott Sales, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Robyn Driscoll (D)
Sen. Jedediah Hinkle (R)
Sen. Douglas (Doug) Kary (R)
Sen. Cliff Larsen (D)
Sen. Mary McNally (D)
Sen. Mary Sheehy Moe (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)

Members Excused: Sen. Kris Hansen (R)
Sen. Chas Vincent (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 219, 1/30/2015; HB 130, 2/2/2015; HB 19, 2/2/2015;
HB 128, 2/2/2015; HB 12, 2/12/2015

Executive Action: SB 185-Do Pass As Amended, HB 161-Be Concurred In
HB 128-Be Concurred In, HB 130-Tabled, SB 227-Tabled
SB 187-Moved to Reconsider; Withdrew Motion

HEARING ON HB 12

Opening Statement by Sponsor:

00:00:03 Rep. Ellie Boldman Hill (D), HD 90, opened the hearing on HB 12, Provide for a decree of dissolution without a hearing when uncontested.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:03:12 Sen. Sands
00:03:32 Rep. Boldman Hill
00:03:56 Sen. Swandal
00:04:29 Sen. Sands

Closing by Sponsor:

00:04:52 Rep. Boldman Hill

HEARING ON HB 19

Opening Statement by Sponsor:

00:05:33 Rep. Ellie Boldman Hill (D), HD 90, opened the hearing on HB 19, Clarify that the governor may change parole board presiding officer.

Proponents' Testimony:

00:10:57 Al Smith, self, Great Falls
00:12:50 Sue Smith, self, Great Falls, also for Moe Wosepka, Bob Kolar, Frank Crowley, Dan Gengler
00:14:16 Joyce Ranum, self, Great Falls
00:15:01 Sister Johnelle Howanach, self, Great Falls

Opponents' Testimony:

None

Informational Testimony:

00:16:03 Timothy Allred, executive director, Board of Pardons and Parole (BOPP),
Department of Corrections (COR)

Questions from Committee Members and Responses:

00:16:31 Sen. Fielder
00:16:52 Rep. Boldman Hill
00:19:13 Sen. Moe
00:20:07 Rep. Boldman Hill
00:21:37 Sen. Sands
00:22:05 Rep. Boldman Hill
00:25:05 Sen. Kary
00:25:24 Rep. Boldman Hill
00:27:36 Sen. Hinkle
00:28:03 Rep. Boldman Hill

Closing by Sponsor:

00:29:22 Rep. Boldman Hill

HEARING ON HB 128

Opening Statement by Sponsor:

00:30:39 Rep. Ellie Boldman Hill HD 90, opened the hearing on HB 128, Revise MAPA provisions related to board of pardons and parole.

Proponents' Testimony:

00:33:15 Sue Smith, self, Great Falls
00:35:48 Joyce Ranum, self, Great Falls

Opponents' Testimony:

None

Informational Testimony:

00:37:13 Timothy Allred, executive director, Board of Pardons and Parole (BOPP),
Department of Corrections, (COR)

Questions from Committee Members and Responses:

00:37:35 Sen. Sands
00:38:25 Rep. Boldman Hill

00:40:34 Sen. Sands
00:40:42 Mr. Allred, BOPP
00:42:26 Sen. Fielder
00:42:52 Rep. Boldman Hill
00:43:49 Sen. Larsen
00:45:06 Mr. Allred

Closing by Sponsor:

00:47:24 Rep. Boldman Hill

HEARING ON HB 130

Opening Statement by Sponsor:

00:48:11 Rep. Ellie Boldman Hill (D), HD 90, opened the hearing on HB 130, Prohibit use of tanning devices for person under 18 years old absent consent.

Proponents' Testimony:

00:52:48 Jean Branscum, executive vice president, Montana Medical Association (MMA)
also for Dr. Kutsch, Montana Academy of Dermatology (MAD)

[EXHIBIT\(jus32a01\)](#)

Opponents' Testimony:

00:56:49 Jim Ahrens, American Cancer Society (ACA)

[EXHIBIT\(jus32a02\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:59:28 Sen. Moe
01:00:22 Rep. Boldman Hill
01:02:46 Sen. Sands
01:04:07 Rep. Boldman Hill
01:06:09 Sen. Larsen
01:06:30 Julianne Burkhardt, Legislative Services Division (LSD)
01:06:54 Chairman Sales
01:07:02 Rep. Boldman Hill

Closing by Sponsor:

01:08:58 Rep. Boldman Hill

HEARING ON SB 219

Opening Statement by Sponsor:

01:10:40 Sen. Janna Taylor (R), SD 6, opened the hearing on SB 219, Revise laws related to expunging certain records.

Proponents' Testimony:

None

Opponents' Testimony:

01:13:26 Dan Wilson, justice of the peace, Flathead County, also for Montana Magistrates Association (MMA)

[EXHIBIT\(jus32a03\)](#)

01:19:57 Jessie Connolly, justice of the peace, Big Timber, president, Montana Magistrates Association (MMA)

01:23:23 Larry Epstein, Montana County Attorneys Association (MCAA)

Informational Testimony:

None

Questions from Committee Members and Responses:

01:28:04 Sen. Larsen
01:28:45 Ms. Connolly, MMA
01:31:51 Sen. Hinkle
01:32:16 Mr. Wilson, MMA
01:33:28 Ms. Connolly
01:33:56 Sen. Hinkle
01:34:25 Ms. Connolly
01:35:10 Sen. Hinkle
01:35:34 Sen. Taylor
01:37:01 Sen. Swandal
01:37:37 Ms. Connolly
01:39:15 Sen. Swandal
01:39:38 Mr. Epstein, MCCA

Closing by Sponsor:

01:42:04 Sen. Taylor
[EXHIBIT\(jus32a04\)](#)

01:44:28 Recess
01:55:05 Reconvene

(Sen. McNally absent from the room)

EXECUTIVE ACTION ON HB 161

01:55:33 **Motion:** Sen. Swandal moved that **HB 161 BE CONCURRED IN.**

Discussion:

01:55:51 Sen. Sands

01:56:03 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen, Sen. McNally and Sen. Vincent voted by proxy. Sen. Hinkle will carry the bill.

(Sen. McNally returned to the room)

EXECUTIVE ACTION ON SB 185

01:56:52 **Motion:** Sen. Kary moved that **SB 185 DO PASS.**

Discussion:

01:58:02 Julianne Burkhardt, Legislative Services Division (LSD)

02:01:11 **Motion:** Sen. Kary moved that **SB 185 BE AMENDED.**
EXHIBIT(jus32a05)

Discussion:

02:01:18 Sen. Sands
02:01:40 Sen. Kary
02:01:52 Ms. Burkhardt, LSD
02:03:23 Sen. Fielder
02:04:13 Sen. Hinkle
02:04:30 Sen. Kary
02:04:56 Sen. Hinkle

02:05:30 **Vote:** Motion carried 10-2 by roll call vote with Sen. Sales and Sen. Vincent voting no. Sen. Hansen and Sen. Vincent voted by proxy.

02:06:29 Sen. Sands
02:06:31 Ms. Burkhardt
02:06:46 Sen. Moe
02:08:28 Sen. Kary
02:08:55 Sen. Larsen
02:10:02 Sen. Swandal
02:10:26 Sen. Fielder
02:10:50 Ms. Burkhardt
02:11:08 Sen. Fielder

02:11:23 **Motion/Vote:** Sen. Kary moved that **SB 185 DO PASS AS AMENDED.** Motion carried 7-5 by roll call vote with Sen. Driscoll, Sen. Moe, Sen. Sales, Sen. Sands and Sen. Vincent voting no. Sen. Hansen and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 227

02:12:55 **Motion:** Sen. Moe moved that **SB 227 DO PASS.**

02:13:55 **Motion:** Sen. Moe moved that **SB 227 BE AMENDED.**
EXHIBIT(jus32a06)

Discussion:

02:15:56 Sen. Swandal

02:16:13 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy.

02:16:32 **Motion:** Sen. Moe moved that **SB 227 DO PASS AS AMENDED.**

02:16:44 **Motion:** Sen. Swandal moved that **SB 227 BE AMENDED WITH SECTIONS 3 AND 4 OF AMENDMENT SB022702.AJB.**
EXHIBIT(jus32a07)

Discussion:

02:20:16 Sen. Sands
02:20:57 Sen. Larsen
02:21:13 Sen. Swandal

02:22:13 **Vote:** Motion carried 7-5 by roll call vote with Sen. Driscoll, Sen. Larsen, Sen. McNally, Sen. Moe and Sen. Sands voting no. Sen. Hansen and Sen. Vincent voted by proxy.

02:22:22 **Motion:** Sen. Kary moved that **SB 227 BE AMENDED WITH SECTION 2 OF AMENDMENT SB002703.AJB.**
EXHIBIT(jus32a08)

Discussion:

02:23:22 Sen. Hinkle
02:23:25 Sen. Sands

02:23:44 **Vote:** Motion failed 6-6 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle, Sen. Kary, Sen. Sales and Sen. Vincent voting aye. Sen. Hansen and Sen. Vincent voted by proxy.

02:24:34 Sen. Hinkle
02:25:16 Sen. Moe

02:26:10 **Vote:** Motion failed 1-11 by roll call vote with Sen. Swandal voting aye. Sen. Hansen and Sen. Vincent voted by proxy. Without objection, Chairman Sales reversed the vote and tabled the bill.

EXECUTIVE ACTION ON HB 130

02:26:51 **Motion/Vote:** Sen. Kary moved that **HB 130 BE TABLED**. Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON HB 128

02:27:46 **Motion:** Sen. Swandal moved that **HB 128 BE CONCURRED IN**.

Discussion:

02:27:55 Sen. Fielder

02:28:14 Sen. Sands

02:28:58 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy. Sen. Moe will carry the bill.

EXECUTIVE ACTION ON SB 187

02:30:06 **Motion:** Sen. Swandal moved to **RECONSIDER THE MOTION** on **SB 187**.

Discussion:

02:30:52 Julianne Burkhardt, Legislative Services Division (LSD)

02:31:13 Chairman Sales

02:31:48 Sen. Hinkle

02:31:50 Chairman Sales

02:32:24 Sen. Kary

02:32:30 Sen. Hinkle

02:32:42 Chairman Sales

02:32:52 Without objection, Sen. Swandal withdrew the **RECONSIDER MOTION** on **SB 187**.

ADJOURNMENT

Adjournment: 11:35 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus32aad.pdf](#))